

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

\_\_\_\_\_  
**DOROTHY M. PENICK,**

**Plaintiff,**

**v.**

**MICHAEL J. ASTRUE,**  
**Commissioner of Social Security,**

**Defendant.**  
\_\_\_\_\_

**CIVIL NO. 3:08CV00549**

**ORDER**

This matter is before the Court on the Report and Recommendation of the Magistrate Judge (R&R) entered on September 4, 2009. The time to file objections has expired and neither party has objected to the R&R. Having considered the matter and deeming it otherwise proper and just to do so, it is hereby ORDERED:

- (1) The Report and Recommendation of the Magistrate Judge is ACCEPTED and ADOPTED as the OPINION of the Court.
- (2) Plaintiff's Motion for Summary Judgment (docket entry no. 14) and Motion to Remand (docket entry no. 15) are DENIED.
- (3) Defendant's Motion for Summary Judgment (docket entry no. 17) is GRANTED.
- (4) The decision of the Commissioner is AFFIRMED.
- (5) This case is CLOSED.

Let the Clerk of the Court send a copy of this order to all counsel of record.

It is so ORDERED.

Richmond, Virginia  
Date: 9-23-09

\_\_\_\_\_  
/s/  
James R. Spencer  
Chief United States District Judge